

Remarks/Arguments

Applicant would like to thank the Examiner for the interview of December 16, 2008. Applicant adopts the Examiner's Interview Summary as an accurate summary of the interview.

By way of this response, claims 1, 8 to 14, 17 to 19 and 22 have been amended, claims 2 to 7, 15, 16, and 20 have been cancelled and new claims 23 to 30 have been added. It is submitted that no new matter has been added thereby.

By way of the office action of October 1, 2008, the Examiner rejected the claims under 35USC103(a) as being unpatentable over US5,403,427 to Wilcox in view of US4,872,942 to Sharps.

Claim 1 recites "a processor for controlling said electromotive force for establishing a baseline current through said knife and a momentary spike current through said knife, said baseline current sufficient to establish a baseline temperature in said supporting base, said baseline temperature chosen based on a composition of said layered web so as to be sufficient to seal walls of said tube together but insufficient to sever said tube by melting".

Claim 14 recites "a processor for controlling said electromotive force for establishing a baseline current through said strip and, when said strip abuts said backstop through said tube, a momentary spike current through said strip, said baseline current sufficient to establish a baseline temperature in said supporting base, said baseline temperature chosen based on a composition of said layered web so as to be sufficient to seal walls of said tube together but insufficient to sever said tube by melting, said spike current through said strip sufficient to temporarily elevate a temperature of said strip to a temperature sufficient to sever said tube".

Neither Wilcox nor Sharps discloses a processor. Further, while Sharps discloses a “heat sealing element” that “may be intermittently supplied with a pulsed electric current”, this is to enable “the layers of the film to be almost concurrently sealed together and cut through” (see col. 3, lines 57 to 66). Thus, Sharps does not show “establishing a baseline current” which is “sufficient to establish a baseline temperature in said supporting base, said baseline temperature chosen based on a composition of said layered web so as to be sufficient to seal walls of said tube together but insufficient to sever said tube by melting” as is required by claims 1 and 14. It is therefore submitted that claims 1 and 14, as amended, patentably define over any combination of Wilcox and Sharps.

While Sharps discloses a “heat sealing element” that “may be intermittently supplied with a pulsed electric current”, this is to enable “the layers of the film to be almost concurrently sealed together and cut through” (see col. 3, lines 57 to 66). Thus, Sharps does not show “heating a sealing head comprising a knife having a first thermal conductivity protruding from a supporting base having a second, lower, thermal conductivity, to a baseline temperature, said baseline temperature chosen based on a composition of said layered web so as to be sufficient to seal walls of said tube together but insufficient to sever said tube by melting; pressing said sealing head against said tube formed from said layered web for a dwell time in order to form a seal across said tube; and thereafter, spiking a temperature of said knife above said baseline temperature so as to sever said tube by melting” as is required by amended claim 19.

The remaining claims depend, directly or indirectly, from one of claims 1, 14, and 19. Therefore, for the reasons given in respect of claims 1, 14, and 19, it is submitted that the remaining claims also patentably define over any combination of Wilcox and Sharps.

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In view of the foregoing, early favourable consideration of this application is earnestly solicited.

Respectfully submitted,



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